

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**March 16, 2004**

<b>IN RE:</b>	)	
	)	
<b>TENNESSEE TELECOMMUNICATIONS</b>	)	<b>DOCKET NO.</b>
<b>ASSOCIATION PETITION FOR</b>	)	<b>00-00823</b>
<b>EXEMPTION OF VOICE MESSAGING</b>	)	
<b>SERVICE FROM REGULATION</b>	)	

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**ORDER ACCEPTING WITHDRAWAL OF PETITION**

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This matter came before Chairman Deborah Taylor Tate, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "TRA" or "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on December 15, 2003 for consideration of the request of the Tennessee Telecommunications Association ("TTA") to withdraw its *Petition for Exemption of Voice Messaging Service from Regulation* ("Petition") filed on November 17, 2003.

On September 21, 2000, the TTA filed its *Petition*, on behalf of all its member companies,<sup>1</sup> seeking an exemption of voice messaging service from regulation in Tennessee pursuant to Tenn. Code Ann. § 65-5-208(b), which provides:

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<sup>1</sup> TTA is a trade association, the membership of which is open to all telecommunications providers certificated to operate in Tennessee

The authority, after notice and opportunity for hearing, may find that the public interest and the policies set forth herein are served by exempting a service or group of services from all or a portion of the requirements of this part. Upon making such a finding, the authority may exempt telecommunications service providers from such requirements as appropriate. The authority shall in any event exempt a telecommunications service for which existing and potential competition is an effective regulator of the price of those services.

The TTA argued that the great number of choices available to consumers in this market would effectively regulate the rates for voice messaging and therefore, those services should be exempt from regulation.

On April 9, 2001, the TTA filed a data response which introduced a new argument by asserting that the Federal Communications Commission's Rule 64.702(a) defines voice messaging as an enhanced service rather than a basic transmission service, and that federal regulations have deregulated enhanced services. On June 11, 2002, the TTA amended its *Petition* to include only the following members: BellSouth Telecommunications, Inc., the four TDS Companies<sup>2</sup>, Citizens Communications, Inc.<sup>3</sup> and United Telephone-Southeast, Inc. On November 17, 2003 the TTA filed a request for withdrawal of its *Petition*, stating that the issues involved could adequately be addressed in other dockets pending before the Authority.

During the Authority Conference held on December 15, 2003, upon consideration of the entire record in this matter, the panel voted unanimously to approve the TTA's request to withdraw the *Petition* in its entirety.

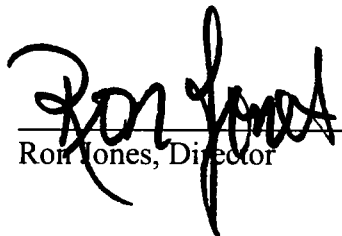
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<sup>2</sup> Concord Telephone Exchange, Inc., Humphreys County Telephone Company, Tellico Telephone Company, Inc and Tennessee Telephone Company

<sup>3</sup> Citizens Communications, Inc is comprised of Citizens of Tennessee and Citizens of the Volunteer State

**IT IS THEREFORE ORDERED THAT:**

The request of the Tennessee Telecommunications Association to withdraw its *Petition for Exemption of Voice Messaging Service from Regulation* is approved, and this docket is closed.

  
Deborah Taylor Tate, Chairman  
Sara Kyle, Director  
Ron Jones, Director